



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: February 24, 2011
ITEM NO.: 2
TIME: 10:20 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: February 24, 2011
SUBJECT: Workshop - Zoning Text Amendment (PZTA 20100024)
Temporary Outdoor Agricultural Events

STAFF PLANNER: Crystal Jacobsen, Supervising Planner

LOCATION: Countywide

APPLICANT: Placer County Planning Services Division

PROPOSAL: The Planning Commission is being asked to consider an amendment to the Placer County Zoning Ordinance, Section 17.56.300 (B) to (Temporary Uses and Events), which would provide Temporary Outdoor Event permit exemptions for specific types of temporary outdoor agricultural events.

The purpose of the workshop is for the Planning Commission to provide staff direction on several issues that were raised during staff preparation of the Zoning Text Amendment (ZTA) and at various MAC meetings and at the Agricultural Commission meeting. A discussion of each issue is located in the Planning Commission Direction section of this report

CEQA COMPLIANCE: As no formal action is being taken at this time, environmental review is not required. At such time that a ZTA is brought forward for formal consideration, an environmental document will be provided for the Planning Commission consideration.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: All Municipal Advisory Committees, Placer County Agricultural Commissioner, and other interested parties received the agenda for this Planning Commission workshop. Formal notification will be provided when this item comes back to the Planning Commission for a public hearing. A legal notice was published in the Sacramento Bee newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice.

BACKGROUND

In July 2007 the Board of Supervisors approved an ordinance amending Section 17.56.300 (Temporary Uses and Events) of the Zoning Ordinance, setting forth a Temporary Outdoor Event Permit process in lieu of Minor Use Permits for certain one-time temporary events (Ordinance 5473-B). The purpose of this process was to provide for an administrative streamlining of permits for such uses.

Many of the temporary events that occur within the County are related to or are used to promote Placer County agricultural. Examples of such events include temporary farm and barn tours, festivals and dinners, where the purpose of the event is to promote a specific farm or agricultural business and where the event is incidental and customary to the primary agricultural use on a specific site, yet temporary in nature.

Since the Board's July 2007 approval of the ordinance amending the Temporary Use and Events section of the Zoning Ordinance which outlines the process for Temporary Outdoor Event Permits, many agricultural businesses and agricultural organizations have continued to find the Planning permit process difficult for temporary agricultural events. Such business owners and agricultural organizations have indicated that the process to obtain a Temporary Outdoor Event Permit is expensive, time-consuming, challenging (requiring the preparation of professional site plans, etc.) and creates a burden for agricultural businesses and organizations supporting and encouraging agricultural in Placer County. Accordingly, staff has explored this issue and in response, has prepared the proposed ZTA to provide some administrative relief for temporary agricultural events that meet specific criteria.

ANALYSIS

General Plan Consistency

The proposed ZTA is consistent with goals and policies related to agricultural resources in the Placer County General Plan, in that the ZTA provides planning permit relief to agricultural businesses and organizations whose purpose is to promote agriculture in Placer County. There are a number of General Plan policies geared toward the protection and enhancement of continued economic viability of Placer County's agricultural operations, and the promotion of agricultural business within the County, including the following:

- Agricultural and Forestry Resources, Section 7, Policy 7.C.1. *"The County shall attempt to improve the financial viability of the agricultural sector of Placer County's economy through actions that have the potential to reduce costs and increase profits";*
- Agricultural and Forestry Resources, Section 7, Policy 7.C.2. *"The County shall promote agricultural operations that provide a competitive edge to Placer County farmers";*
- Agricultural and Forestry Resources, Section 7, Policy 7.C.3. *"The County shall support opportunities to promote and market agricultural products grown or processed within Placer County as a part of the economic development activities of local agencies";*

- Agricultural and Forestry Resources, Section 7, Policy 7.C.6. "The County shall ensure that land use regulations do not arbitrarily restrict potential agricultural-related enterprises which could provide supplemental sources of income for farm operators".

It is staff's determination that because the proposed ZTA helps to exempt certain types of temporary agricultural events, the County will be helping to reduce regulations that could restrict supplemental sources of income for agricultural operations, thereby helping to improve the financial viability of the agricultural sector within Placer County.

Proposed Amendments Summary

The proposed Zoning Text Amendment language provides for exceptions for temporary agricultural events that meet specific criteria. The amended language is found under Section 17.56.300 (c), which defines specific types of temporary events that are not subject to the requirements of Section 17.56.300 (B) for Temporary Events or Section 17.06.050 for Land Use and Permits.

The proposed Zoning Text Amendment language is provided in Attachment A and is presented below. The Zoning Ordinance language proposed to be amended is shown as underlined:

Article 17.04 - DEFINITIONS

17.04.020 Land Use Definitions

"Temporary agricultural event" (land use) means any use of a structure or land promoting and/or encouraging agriculture for a limited period of time, not to exceed more than two consecutive days, where the site is not permanently altered by grading or construction of accessory facilities. Events include but are not limited to farm and barn tours, dinners, and festivals. See Section 17.56.300 (E.) for specific use requirements applicable to temporary agricultural events. Temporary events including, but not limited to rodeos, weddings, concerts and overnight stays by participants are not authorized as "Temporary Agricultural Events"; these are instead included under "Temporary Uses and Events and are subject to the standards set forth in Section 17.56.300 (B.)

Article 17.06 - ZONING DISTRICTS ESTABLISHED

Section:

17.06.050 Land Use and Permit Tables

	RESIDENTIAL				COMMERCIAL							INDUSTRIAL				AGRICULTURAL, RESOURCE, OPEN SPACE						
LAND USE TYPES	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TPZ	W	
Recreation, Education and Public Assembly Uses																						
Temporary agricultural events (Section 17.56.300 (E.))			-	-													-	-		-		
Temporary events (Section 17.56.300)	*	*	*	*	*	*	*	*	*	*	*	*	*	MUP*	*	*	*	*	*	*	*	

Article 17.10 - FARM (F) DISTRICT

17.10.010 Farm (F)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the F zone as provided by Section 17.06.050 (Land Uses and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Recreation, Education and Public Assembly Uses</i>		
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	

Article 17.12 - FORESTRY (FOR) DISTRICT

17.12.010 Forestry (FOR)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the FOR zone as provided by Section 17.06.050 (Land Use and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

Article 17.16 - TIMBERLAND PRODUCTION (TPZ) DISTRICT

Section 17.16.010 Timberland Production (TPZ)

- D. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land Use and Permit Tables).

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

Article 17.44 – RESIDENTIAL-AGRICULTURAL (RA) DISTRICT

17.44.010 Residential-Agricultural (RA)

- B. **Allowable Land Uses, Permit Requirements and Minimum Lot Area.** The following land uses are allowed in the RA zone as provided by Section 17.06.050 (Land Use and Permit Tables), subject to the land use permit and minimum lot area shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	MINIMUM ⁽¹⁾ LOT AREA (sq. ft.)	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>		<u>17.56.300 (E.)</u>
Temporary events	MUP		17.56.300

Article 17.46 – RESIDENTIAL-FOREST (RF) DISTRICT

17.46.010 Residential-Forest (RF)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the RF zone district as provided by Section 17.06.050 (Land Uses and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

KEY TO PERMIT REQUIREMENTS

Allowed use, zoning compliance required (17.06.050)	A
Zoning clearance required (17.06.050)	C
Minor use permit required (17.06.050)	MUP
Conditional use permit required (17.06.050)	CUP
Administrative review permit (17.06.050)	ARP

17.56.300 Temporary Uses and Events

Temporary uses involving the establishment of a land use normally not allowed in the applicable zone district, temporary events, and the use of temporary offices are subject to the provisions of this section.

E. Temporary Agricultural Events. Temporary agricultural events, as defined by Section 17.04.020, are subject to the following requirements:

1. **Permit Requirement. Zoning clearance.**
2. **Criteria for Approval. A temporary agricultural event shall be approved if it complies with the following criteria:**
 - a. **The event site is larger than 4.6 acres in size;**
 - b. **The proposed temporary agricultural event is incidental to and customary to the primary agricultural use(s) of the site;**
 - c. **For an event site to be accessed from a private road, evidence of reasonable proof of access rights, as determined by the Engineering and Surveying Department;**
 - d. **For an event site to be accessed from a County-Maintained road, an approved encroachment permit if required to address ingress,**

- egress, and sight-distance requirements, as determined by the Department of Public Works:
- e. Evidence showing: (1) the existence of public sewer on the event site, or (2) the onsite private sewage disposal system is designed in compliance with County Code Chapter 8.24 and sized to accommodate the number of participants at the event, or (3) a contract for portable toilets adequate for the proposed number of participants;
 - f. Written approval by the appropriate fire/emergency agency(ies) that provides service to the event site. Said written approval shall contain a statement from the appropriate fire/emergency agency(ies) that a site visit has been conducted to the event site and said agency(ies) have verified that event site and access can appropriately accommodate the proposed event.
3. Conditions of approval. A temporary agricultural event shall be subject to all of the following conditions of approval.
- a. The maximum number of event participants, including event staff, caterers, vendors, etc., shall not exceed one hundred (100) persons at any one time.
 - b. Each event shall not exceed more than two consecutive days.
 - c. All parking shall be contained on the event site and no parked vehicles may encroach into County-Maintained roads, any driveway or any private road, or private road encroachment that connects with a County-Maintained road.
 - d. Temporary off-street overflow parking is not permitted during "wet-weather" season (October 15th through May 1st).
 - e.
 - f. Notice of the event shall be given in writing to all property owners which utilize a common private road at least fifteen (15) days prior to the date of the event. Said notice shall include a statement that there may be delays in access or circulation on the private road due to event participants arriving at or leaving from the event.
 - g. Each event and event site shall conform to the accessibility standards set forth in the California Building Code.
 - h.
 - i. The applicant is responsible for having event staff monitor enforcement of conditions, such as no off-site parking and ensuring unobstructed access to the event site.
 - j. The proposed event is subject to the standards set forth in the Placer County Noise Ordinance.

- k. Solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions.
 - l. If the event site is served by well water and there are more than twenty-five (25) people on-site, employees and guests should be provided with bottled water for consumption, unless otherwise approved by the Placer County Environmental Health Division.
 - m. Food service, including hand washing for food service workers, shall be subject to the requirements of the California Retail Food Code. Hand washing for foodservice workers shall be in compliance with the California Retail Food Code.
4. Number of Events per Year. Once approval for a temporary agricultural event has been granted, a maximum of six (6) temporary agricultural events may be held on the previously approved event site during each calendar year. A temporary agricultural event allowed under this Subsection shall not be not counted toward the six (6) promotional events allowed with the approval of Administrative Review Permit under Section 17.56.330 for Wineries.
5. Subsequent Year Approval. Once approval has been granted for a temporary agricultural event on an event site, and the applicant proposes to hold the same event in a subsequent year on the same event site, and the applicant certifies that none of the circumstances have changed under which the event will be conducted, a zoning clearance for approval to hold temporary agricultural event in that subsequent year may be granted without resubmission of all of the information required in subsection (2), above, with exception of the requirements set forth in E.2.f.

Municipal Advisory Councils

The proposed Zoning Text Amendment was presented to all Municipal Advisory Councils (MACs) where there was a request. Many of the issues brought up at the MAC meetings have been addressed in the "Planning Commission Direction" section of this report. Attachment B of this report contains a list of all the actions taken by the MACs, and also all written correspondence received from the MACs.

Agricultural Commission

The proposed Zoning Text Amendment was also presented to the Placer County Agricultural Commission on two separate occasions. At the first meeting, the Agricultural Commission provided feedback on the ZTA proposal and requested that the proposal be brought back for further consideration by their Commission. On November 8, 2011, the Agricultural Commission took action to recommend to the Planning Commission and Board of Supervisors their support of the proposed ZTA with modifications to allow for a total of 200 participants and event staff on site at any one time (where 100 is currently proposed), and to allow for smaller

parcel sizes where there is a commercial agricultural operation on the proposed event site (where 4.6 is currently proposed). Attachment B of this report contains a list of actions taken by the MACs and the Agriculture Commission, and also contains written correspondence received from the Agricultural Commissioner's office regarding the Agricultural Commission's formal action.

Planning Commission Discussion/Direction

Private Roadways

During the review for the proposed ZTA, many concerns were raised about allowing temporary agricultural events on sites that are accessed from private roadways. Interested citizens as well as various MAC members have expressed that many private roadways in Placer County that serve agricultural sites are narrow, steep, and curvy, and are not appropriate to accommodate traffic that would be generated with proposed temporary agriculture events. As proposed, the ZTA allows for temporary agriculture events that may be proposed on sites that are accessed from private roadways, and requires notification to all property owners along private roadways. However, questions have been raised regarding whether or not the County should require the approval of the property owners who have rights to the private roadway for which a proposed temporary agricultural event will be accessed from. Should the Planning Commission desire, modifications to the ZTA could include requiring a percentage of the property owners along private roadways to consent to the proposed temporary agricultural event, or alternately, to preclude temporary agricultural events that are proposed along private roadways from benefiting from the regulatory relief for which the proposed ZTA will provide.

In addition, concern has been raised about the liability and maintenance related to any accidents or issues that may arise on private roadways as a result of temporary agricultural events. It is the County's position that by definition a private roadway is private, and the operation and maintenance of private roadways are private matters between the various owners of the private roadways who have a legal interest in the roadway, and that the County does not hold an interest in the condition of such roads nor does the County have rights to the roadway. Consequently, any issue of liability or maintenance related to private roadways is between the owners of property having legal rights to road and is a private matter between those owners.

Wineries

Another issue that has been raised during the review of the proposed ZTA has to do with the inclusion of wineries. During staff's initial presentation of the proposed ZTA to the Placer County Agricultural Commission, the Commission expressed a desire to include wineries within the proposed ZTA. The Commission maintained that wineries are considered agricultural operations and should not be precluded from any land use proposal that provides regulatory relief. After further discussion and consideration by staff, the proposed ZTA was modified to address wineries and as proposed, does not preclude them.

Staff has received correspondence and comments from the MACs as well as the public regarding wineries being allowed to benefit from the proposed ZTA. Comments noted are with regard to a concern about the on-site sale and consumption of alcohol and potential public safety issues related to event participants drinking and driving along public and private roadways. It is the County's position, however, that the issues related to drinking and driving is

not a land use issue and instead addressed through the State of California Vehicle Code. Should the Planning Commission desire, modifications could be made to the proposed ZTA to limit or preclude the on-site sale or consumption of alcoholic beverages at proposed temporary agricultural events.

Another issue that has surfaced related to the inclusion of wineries within the proposed ZTA, has to do with the fact that the County recently approved a Winery Ordinance in 2008. Concern has been noted that the County should not be providing modifications to the land use regulations that govern wineries, given that the issues related to such regulations have recently been vetted and policy set by the Board of Supervisors. Therefore, should the Planning Commission desire, modifications to the proposed ZTA to preclude wineries from the proposed ZTA could be made.

Agricultural Products Grown in Placer County

During the review of the proposed ZTA, some concern was raised regarding only allowing temporary agricultural events to be included in the ZTA, where the site grows and sells only agricultural products that are grown in Placer County. Some citizens have noted that some agricultural operations within Placer County buy agricultural products from outside of Placer County, yet process and sell the agricultural product in Placer County. An example given of these types of operations were wineries; it has been noted that Placer County wineries often buy grapes from vineyards outside of Placer County and then produce wine with grapes from such vineyards. While staff appreciates this concern, the purpose of this proposed ZTA is to provide regulatory relief for all agricultural business and operations within Placer County, which would subsequently help to improve the financial viability of the agricultural sector of Placer County's economy. In addition, it is staff's opinion that requiring only agricultural products grown in Placer County would not only be contrary to the purpose of this proposal, but it would also be difficult to enforce. For example, a farmer may propose a harvest dinner, where not all the products used for the harvest dinner could be grown in Placer County. However, should the Planning Commission desire to include a requirement for agricultural products grown in Placer County only, the proposed ZTA could be modified accordingly.

Enforcement of Conditions

Another issue that was raised during the review of the proposed ZTA was with regard to ensuring adequate enforcement of the permit conditions. Concern was noted regarding the need to have event staff monitor event parking to ensure that access to the event site would not be obstructed, and that event participants would not be parking on public or private roadways. In an effort to address this concern, staff has included a condition that requires the monitoring of event conditions.

In addition, concern was raised regarding the overall enforcement of the event and how violations would be addressed. One MAC expressed a desire to provide notice in the ZTA, to the event applicants that any violation of the conditions would result in no further temporary event permits being allowed for the applicant. While staff understands this concern, the County maintains an enforcement section of the Zoning Ordinance (which was recently updated and strengthened), for which the County utilizes for land use enforcement. In addition, all temporary agricultural permits will be monitored through the County's permit

tracking system, where the County can track any issues or on-going violations that may occur on a site.

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission conduct a workshop and provide direction to staff on the issues discussed under the "Planning Commission Direction" section of the staff report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crystal Jacobsen', followed by a long horizontal line extending to the right.

Crystal Jacobsen
Supervising Planner

ATTACHMENTS:

Attachment A – Proposed Zoning Text Amendments

Attachment B – Summary of MAC/AG Commission Actions & Comments Received

Attachment C – Correspondence Received

cc:

Michael Johnson– CDRA Director
Loren Clark - Deputy Planning Director
Paul Thompson- Deputy Planning Director
Scott Finley - County Counsel
Josh Huntsinger, County Agricultural Commissioner
Richard Eiri - Engineering and Surveying Division
Andrew Gaber, Department of Public Works
Jill Pahl - Environmental Health Services
Timothy Wegner – Chief Building Official
Bob Eicholtz - Emergency Services
Kathie Denton - Health and Human Services
Board of Supervisors
Redevelopment Agency
All MAC's
Subject/chrono files

Article 17.04 - DEFINITIONS

17.04.020 Land Use Definitions

“Temporary agricultural event” (land use) means any use of a structure or land promoting and/or encouraging agriculture for a limited period of time, not to exceed more than two consecutive days, where the site is not permanently altered by grading or construction of accessory facilities. Events include but are not limited to farm and barn tours, dinners, and festivals. See Section 17.56.300 (E.) for specific use requirements applicable to temporary agricultural events. Temporary events including, but not limited to rodeos, weddings, concerts and overnight stays by participants are not authorized as “Temporary Agricultural Events”; these are instead included under “Temporary Uses and Events and are subject to the standards set forth in Section 17.56.300 (B.)

Article 17.06 - ZONING DISTRICTS ESTABLISHED

Section:

17.06.050 Land Use and Permit Tables

	RESIDENTIAL				COMMERCIAL							INDUSTRIAL				AGRICULTURAL, RESOURCE, OPEN SPACE						
LAND USE TYPES	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TPZ	W	
Recreation, Education and Public Assembly Uses																						
Temporary agricultural events (Section 17.56.300 (E.))			*	*													*	*		*		
Temporary events (Section 17.56.300)	*	*	*	*	*	*	*	*	*	*	*	*	*	MUP*	*	*	*	*	*	*	*	

Article 17.10 - FARM (F) DISTRICT

17.10.010 Farm (F)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the F zone as provided by Section 17.06.050 (Land Uses and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<i>Recreation, Education and Public Assembly Uses</i>		
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	

Article 17.12 - FORESTRY (FOR) DISTRICT

17.12.010 Forestry (FOR)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the FOR zone as provided by Section 17.06.050 (Land Use and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

Article 17.16 - TIMBERLAND PRODUCTION (TPZ) DISTRICT

Section 17.16.010 Timberland Production (TPZ)

- D. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land Use and Permit Tables).

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

Article 17.44 – RESIDENTIAL-AGRICULTURAL (RA) DISTRICT

17.44.010 Residential-Agricultural (RA)

- B. **Allowable Land Uses, Permit Requirements and Minimum Lot Area.** The following land uses are allowed in the RA zone as provided by Section 17.06.050 (Land Use and Permit Tables), subject to the land use permit and minimum lot area shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	MINIMUM ⁽¹⁾ LOT AREA (sq. ft.)	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>		<u>17.56.300 (E.)</u>
Temporary events	MUP		17.56.300

Article 17.46 – RESIDENTIAL-FOREST (RF) DISTRICT

17.46.010 Residential-Forest (RF)

- B. **Allowable Land Uses and Permit Requirements.** The following land uses are allowed in the RF zone district as provided by Section 17.06.050 (Land Uses and Permit Tables), subject to the land use permit shown for each use, any applicable specific standards, and all other applicable provisions of this chapter.

ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION
<u>Temporary agricultural events</u>	<u>C</u>	<u>17.56.300 (E.)</u>
Temporary events	MUP	17.56.300

KEY TO PERMIT REQUIREMENTS

Allowed use, zoning compliance required (17.06.050)	A
Zoning clearance required (17.06.050)	C
Minor use permit required (17.06.050)	MUP
Conditional use permit required (17.06.050)	CUP
Administrative review permit (17.06.050)	ARP

17.56.300 Temporary Uses and Events

Temporary uses involving the establishment of a land use normally not allowed in the applicable zone district, temporary events, and the use of temporary offices are subject to the provisions of this section.

- A. **Temporary Uses.** Any use except mobile homes may be authorized on a temporary basis in any zone. The use of mobile homes on a temporary basis are instead subject to Section 17.56.280 (Temporary Dwellings).
1. **Permit requirement.** Conditional Use Permit approval (Section 17.58.130).
 2. **Duration of temporary use.** The granting authority may authorize a temporary use for a maximum of one year in the residential, commercial and industrial zone districts, and for a maximum of two years in the agriculture, resource and open space districts.
 3. **Extension of time.** The granting authority may allow a single extension of the original time limit not to exceed the length of time originally allowed.
- B. **Temporary Events.** Temporary events involve the use of land or a building for an event of limited duration (see the definition of "Temporary uses and events" in Section 17.04.030). Where allowed by Sections 17.06.050 et seq., (Land use and permit tables), temporary events are subject to the following requirements:
1. **Applicability**
 - a. **Commercial Recreational Events.** Temporary commercial recreational events such as circuses, carnivals, open air theaters, or other similar situations involving temporary large assemblages of people may be conducted in any district provided that a Minor Use Permit is first secured for the establishment, maintenance and operation of such uses. [**Note:** Provisions for permanent outdoor commercial recreation uses, rural recreation uses and sports facilities and outdoor public assembly uses are found in Sections 17.06.030 et seq., (Allowable land uses and permit requirements) and in 17.04.030 (Definitions).]
 - b. **Outdoor Festivals/Concerts, etc.** Outdoor festivals/concerts, arts and crafts fairs and similar short-term events may be authorized in any district provided that a Minor Use Permit is first approved for the event. However, for one-time events (not to exceed three consecutive days nor two times in one location in a calendar year), the Planning Director may approve a Temporary Outdoor Event permit in lieu of a Minor Use Permit. Detailed event information

shall be provided including time, date, location, estimated number of participants, security measures, including the control of alcohol consumption and prevention of drug use, and sanitation. Such information shall be provided by the Planning Department to the Sheriff, the County Health Director, Chief Building Official, Department of Public Works, California Highway Patrol, the Assistant Emergency Services Director, and appropriate state, federal, and local fire jurisdictions, prior to a decision by the Planning Director. Conditions addressed in Section 17.56.300(B)(4)(a) through (d) of this section, may be required of any such event. If alcoholic beverages will be served, the applicants shall provide a copy of the required authorization from the California Department of Alcoholic Beverage Control, to the Planning Department, prior to the event. **[Note:** These events differ from those described in Section 17.56.300(B)(1)(a) in that they are of limited duration and do not require the construction of any improvements.]

(Ord. 5471-B)

- c. **Temporary Events not subject to this section.** The following types of temporary events are not subject to the requirements of this section, and are also not subject to the permit requirements established by Sections 17.06.050 (Land use and permit tables) and 17.06.060 et seq., (Zone district regulations):
 - i. **Approved Public Assembly Sites.** A temporary event conducted in an approved place of public assembly, such as a theater, convention center, meeting hall, public school events on school property, sports facility, or fairgrounds.
(Ord. 5473-B)
 - ii. **Parades and Street Events.** Parades and other temporary events within a public road right-of-way, provided that all requirements of the Director of Public Works and the Placer County Sheriff are met.
 - iii. **Public Events.** Admission-free events, and events with admission charges where the organization or individuals conducting the event qualify for a free business license pursuant to Chapter 5 of the Placer County Code (Business Licenses and Regulations), where the event is conducted at a public park or on other publicly-owned land with the permission of the landowner, and the event also satisfies the requirements of Subsections (B)(2) through (B)(5) of this section for other types of temporary events.

- iv. **Private Parties.** Private non-commercial events/parties held at a private residence. (Ord. 5473-B)
2. **Permit Requirement.** As required by Sections 17.06.060 et seq., (Zone district regulations) for the applicable zone district, or by Sections 17.56.300(B)(1)(a) and 17.56.300(B)(1)(b) above.
3. **Time Limits.** A temporary event shall be conducted for no more than nine consecutive days, or four successive weekends per year, except where a shorter time limit is established by the granting authority through permit conditions of approval.
4. **Site Design and Development Standards.** All temporary events are subject to the following standards, except where alternate standards are established by Placer County Chapter 5 (Business Licenses and Regulations), Placer County Code or by the granting authority through permit conditions of approval.
- a. **Access.** Outdoor temporary events shall be provided at least two unobstructed vehicle access points, each a minimum of ~~eighteen~~ twenty (18-20) feet wide, from the event site to a publicly maintained road. Additional access points shall be provided as required by the Public Works ~~director~~ Director or County ~~sheriff~~ Sheriff. Any proposed access that connects to a public highway requires evidence of an approved encroachment permit.
- b. **Parking.** Temporary Off off-street overflow parking is permitted during "dry-weather" season (May 1st through October 15th) shall be provided as follows, with such parking consisting at minimum, of an open area with a slope of ten (10) percent or less, on a parcel free of combustible material. Parking spaces shall be provided at a ratio of four hundred (400) square feet per ~~car,~~ vehicle or as follows: ~~on a lot free of combustible material.~~
- i. **Seated spectator events:** One parking space for each twelve (12) square feet of seating area.
- ii. **Exhibit Event:** One parking space for each seventy-five (75) square feet of exhibit area.
- c. **Fire Protection.** Facilities shall be provided as required by the appropriate serving fire protection agency and/or the California Department of Forestry and Fire Protection.

- d. **Water Supply and Sanitation.** Facilities shall be provided as required by the Placer County Environmental Health Division.
- 5. **Guarantee of Site Restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use, and operation as required by this section. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 17.58.190 (Security for performance).
- C. **Temporary Offices.** The use of a mobile home, recreational vehicle or modular unit as a temporary construction, business, or real estate office is subject to the following requirements:
 - 1. **Permit Requirement.** Minor Use Permit approval (Section 17.58.120);
 - 2. **Time Limit.** One year, unless a shorter time period is specified in a use permit.

[**Note:** Temporary construction offices for development projects which are under construction pursuant to improvement plans or grading plans approved by Placer County are not required to obtain a Minor Use Permit (MUP), nor are such offices subject to a one-year time limit, so long as the improvement/grading plans are valid and construction activities are progressing in a satisfactory manner. Such temporary offices must be removed from the site within thirty (30) days after the improvements are accepted as complete; otherwise, a MUP is required.]
- D. **Hardship/Disaster Situations.** The use of a commercial coach, mobile home, recreational vehicle or modular unit as a temporary construction, business, or real estate office in hardship or disaster situations is subject to the following requirements:
 - 1. **Permit Requirement.** Planning Director approval.
 - 2. **Criteria for Approval.** A temporary office shall not be approved unless the Planning Director first makes a determination that:
 - a. The temporary office is needed to house the owners/operators of a business after the accidental destruction of an existing office on the same site, before a building permit for new or reconstructed office space can be obtained from the County.

- b. The temporary office is needed for operators/employees who were evacuated from and cannot return to their offices, as a result of a disaster.
- 3. **Timing of Removal.** A temporary office authorized for disaster relief purposes shall be removed within a time limit established by the Planning Director at the time of approval. The Planning Director is authorized to extend the approved period of time for good cause upon the request of the property owner or business operator. (ZO § 15.810)

E. Temporary Agricultural Events. Temporary agricultural events, as defined by Section 17.04.020, are subject to the following requirements:

- 1. **Permit Requirement. Zoning clearance.**
- 2. **Criteria for Approval. A temporary agricultural event shall be approved if it complies with the following criteria:**
 - a. **The event site is larger than 4.6 acres in size;**
 - b. **The proposed temporary agricultural event is incidental to and customary to the primary agricultural use(s) of the site;**
 - c. **For an event site to be accessed from a private road, evidence of reasonable proof of access rights, as determined by the Engineering and Surveying Department;**
 - d. **For an event site to be accessed from a County-Maintained road, an approved encroachment permit if required to address ingress, egress, and sight-distance requirements, as determined by the Department of Public Works;**
 - e. **Evidence showing: (1) the existence of public sewer on the event site, or (2) the onsite private sewage disposal system is designed in compliance with County Code Chapter 8.24 and sized to accommodate the number of participants at the event, or (3) a contract for portable toilets adequate for the proposed number of participants;**
 - f. **Written approval by the appropriate fire/emergency agency(ies) that provides service to the event site. Said written approval shall contain a statement from the appropriate fire/emergency agency(ies) that a site visit has been conducted to the event site and said agency(ies) have verified that the event site and access can appropriately accommodate the proposed event.**

3. Conditions of approval. A temporary agricultural event shall be subject to all of the following conditions of approval.
- a. The maximum number of event participants, including event staff, caterers, vendors, etc., shall not exceed one hundred (100) persons at any one time.
 - b. Each event shall not exceed more than two consecutive days.
 - c. All parking shall be contained on the event site and no parked vehicles may encroach into County-Maintained roads, any driveway, or any private road, or private road encroachment that connects with a County-Maintained road.
 - d. Temporary off-street overflow parking is not permitted during "wet-weather" season (October 15th through May 1st).
 - e. Notice of the event shall be given in writing to all property owners which utilize a common private road at least fifteen (15) days prior to the date of the event. Said notice shall include a statement that there may be delays in access or circulation on the private road due to event participants arriving at or leaving from the event.
 - f. Each event and event site shall conform to the accessibility standards set forth in the California Building Code.
 - g. The applicant is responsible for having event staff monitor enforcement of conditions, such as no off-site parking and ensuring unobstructed access to the event site.
 - h. The proposed event is subject to the standards set forth in the Placer County Noise Ordinance.
 - i. Solid waste shall be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions.
 - j. If the event site is served by well water and there are more than twenty-five (25) people on-site, employees and guests should be provided with bottled water for consumption, unless otherwise approved by the Placer County Environmental Health Division.
 - k. Food service, including hand washing for food service workers, shall be subject to the requirements of the California

Retail Food Code. Hand washing for foodservice workers shall be in compliance with the California Retail Food Code.

4. Number of Events per Year. Once approval for a temporary agricultural event has been granted, a maximum of six (6) temporary agricultural events may be held on the previously approved event site during each calendar year. A temporary agricultural event allowed under this Subsection shall not be not counted toward the six (6) promotional events allowed with the approval of Administrative Review Permit under Section 17.56.330 for Wineries.
5. Subsequent Year Approval. Once approval has been granted for a temporary agricultural event on an event site, and the applicant proposes to hold the same event in a subsequent year on the same event site, and the applicant certifies that none of the circumstances have changed under which the event will be conducted, a zoning clearance for approval to hold temporary agricultural event in that subsequent year may be granted without resubmission of all of the information required in subsection (2), above, with exception of the requirements set forth in E.2.f.

PZTA 20100024 Zoning Text Amendment – Temporary Agricultural Events

Municipal Advisory Council & AG Commission	Date	Action
Foresthill Forum	11/01	No formal action; MAC provided comments – supported proposal, noted desire for smaller lot size requirement.
Meadow Vista MAC	11/03	No formal action; MAC provided comments – supported proposal
Placer County AG Commission	11/08	Recommended approval, with modification to allow for 200 total participants and event service workers, and modifying parcel size requirement to allow for smaller parcels where there is an AG commercial operation on site.
North Auburn MAC	11/09	No quorum; presented project to audience; audience noted concern with enforcement of events.
Rural Lincoln MAC	11/15	Took action to recommend approval with modification to require approval of emergency response agency under Section E.5. (subsequent year approval)
Horseshoe Bar MAC	11/16	No formal action; staff provided presentation, but MAC did not provide comments
WACMAC	11/17	Took action to recommend support of proposed ZTA (5:0); some MAC members noted interest in also supporting AG Commission's modification to increase # of patrons to 200 and smaller lot size requirement, while other MAC members felt that the lot size requirement and number of participants seemed reasonable.
Penryn MAC	11/23	Took action to support proposed ZTA (3:0 – 2 absent) with modifications to preclude on-site sales and consumption of alcoholic beverages for events and that the promotion and encouragement of placer grown agriculture only.
Sheridan MAC	01/12	Did not take formal action: wants to have item presented after PC hearing; commented on issue w/private roads
Newcastle/Ophir MAC	01/27	Took action to recommend approval w/consideration of the following: no parking on private roads w/clear enforcement; require security personnel to monitor site; strengthen language/requirements for emergency response; placer grown only
West Placer MAC		No request for presentation
Granite Bay MAC		No request for presentation
North Tahoe RAC		No request for presentation
Squaw Valley MAC		No request for presentation



PLACER COUNTY DEPARTMENT OF AGRICULTURE WEIGHTS AND MEASURES

11477 E Avenue, Auburn, CA 95603-2799 (530) 889-7372 FAX (530) 823-1698

November 17, 2010

TO: Crystal Jacobsen, Planning Department

FROM: Josh Huntsinger, Deputy Agricultural Commissioner

Subject: Proposed Changes to the Temporary Outdoor Event section of the County Zoning Ordinance

During the Agricultural Commission's November 8, 2010 meeting, the Commission voted unanimously, 7-0 (2 members absent), to support the proposed addition to Placer County Zoning Text, Section 17.56.300 (E), Temporary Agricultural Events, with two exceptions.

The first concern that the Commission identified related to subsection (2)(a) regarding a minimum eligible lot size of 4.6 acres. The Commission supported allowing parcels of less than 4.6 acres which are zoned RA, RF, F, FOR, and TPZ to be eligible to participate in Temporary Agricultural Events, provided that there is ongoing commercial agricultural production onsite.

The second concern addressed by the Commission related to the maximum number of people allowed on-site at one time during the event as found in subsection (3)(a). The Commission voiced strong support for allowing more than 100 people to be onsite at one time, and felt that limiting attendance to a maximum of 100 people including staff, service providers, and volunteers, would create a high likelihood for events to unintentionally exceed the arbitrary limit of 100 total people onsite.

To summarize, The Placer County Agricultural Commission voted unanimously to support the proposed zoning text amendment related to Temporary Agricultural Events with two exceptions:

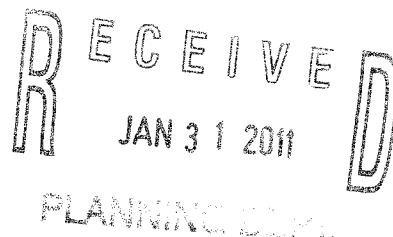
1. Allow events on non-conforming parcels of less than 4.6 acres provided that the applicant provides proof of ongoing commercial agricultural activity.
2. Increase the maximum allowable number of people onsite from 100 to 200.

cc: Placer County Agricultural Commission

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County of Placer
NEWCASTLE/OPHIR MUNICIPAL ADVISORY COUNCIL
PO Box 1222
Newcastle, CA 95658
County Contact: Administrative Aide (530) 889-4010



January 27, 2011

Mr. Jerry Brentnall
Placer County Planning Commission Chairman
Planning Commission
3091 County Center Drive
Auburn, CA 96503

Dear Chairman Brentnall,

At the Newcastle-Ophir MAC meeting on Thursday, Jan. 20, 2011, we took up an action item concerning the Placer County Zoning Text Amendment – Temporary Outdoor Events issue. After listening to the county's presentation by Crystal Jacobsen, we heard from several citizens concerned about issues of road ingress and egress, emergency response access, parking, and security.

The MAC then approved a motion to recommend the ZTA with the following conditions:

1. No parking on private roads, using clear enforcement consequences (e.g., financial penalty) in the permit;
2. Require security personnel to monitor the site and keep roads accessible;
3. Tighten up the process for ensuring that the appropriate emergency response authority approves of the event locale and appropriate access; and
4. Ensure the integrity of Placer Grown brand and purpose.

Thanks very much for your consideration.

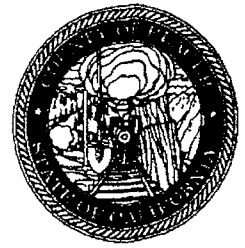
Sincerely,

A handwritten signature in black ink, appearing to read "Joe Irvin".

Joe Irvin
Vice-chair, Newcastle Ophir MAC

Cc: Supervisor Jim Holmes
Crystal Jacobsen, Placer County Supervising Planner

County of Placer
PENRYN MUNICIPAL ADVISORY COUNCIL
P. O. Box 498
Penryn, CA 95663
County Contact: Administrative Aide (530) 889-4010



January 20, 2011

Supervisor Jim Holmes
175 Fulweiler Avenue
Auburn, CA 95603

RE: PENRYN MAC RECOMMENDATIONS

Dear Supervisor Holmes:

At the November 30, 2010 Penryn MAC meeting the MAC took the following action in regard to the **Placer County Zoning Text Amendment – Temporary Outdoor Events**:

After much discussion, the Penryn MAC voted in support of the changes to the existing Ag Event definitions and usage on site sale and consumption of alcoholic beverages being excluded. The MAC further stated that they felt strongly about promotion of "Placer County Grown" products to be highlighted and promoted. They also voiced concerns about traffic on private roads.

Thank you for your attention to this matter and how it affects the Penryn community.

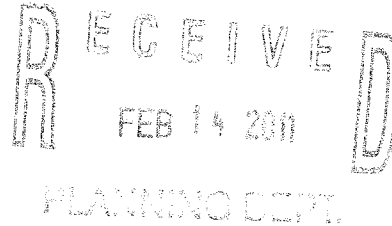
Sincerely,

A handwritten signature in cursive script that reads "Sue Setters".

Sue Setters,
Penryn MAC
Recording Secretary



February 08, 2011



Placer County Planning Commission
3091 County Center Drive #140
Auburn, CA 95603

Re: Zoning Text Amendment (ZTA) – Temporary Agriculture Events

Dear Planning Commission Members;

On January 12th, 2011 our Council received a report from Crystal Jacobsen from the Placer County Planning Department presenting the proposed ZTA modifications to Section 17.56.300 (Temporary Outdoor Events) of the Placer County Zoning Ordinance, which will provide permit exemptions for specific types of temporary agricultural events. There were also representatives from two separate community organizations present to address the Council regarding several concerns about the proposal; the Public Interest Coalition and the Neighborhood Rescue Group from Newcastle. Their concerns were as follows:

- Exposure to undesirable consequences such as, but not limited to, excessive noise and nuisance to neighbors living on private roads that puts them at risk of losing the quality of livelihood they expect and enjoy by living in a rural environment.
- Ability to access their homes due to the increased traffic.
- Access difficulties for emergency vehicles to reach the local residents during the events.
- Wineries receiving additional benefits that could pose negative effects on the livelihood of the neighbors and residents around the wineries through an increase in the number of events already allowed per year as a result of exclusions from the County permit process.
- Problems with traffic issues, speed and traffic violations on the private roads with no means to regulate the violations.
- The number of people allowed at the events at any given time.
- The burden of liability imposed on the neighbors that maintain private roads used for access to the events even though those roads were not created to handle the amount of traffic generated by the events.

In addition, these two groups recommended the following modifications to address their concerns:

- Only include Ag businesses located on public roads or private roads that are developed to public road standards.
- Require that all of the residents that use the road for access to their residence agree to the events prior to issuing the permits.
- Stipulate that adequate parking be available on site for the events so as not to block access to local residents and emergency vehicles.
- Exclude the wineries from the ZTA.

While the Sheridan Municipal Advisory Council takes no formal position regarding the above Zoning Text Amendment, we found it prudent to pass along these concerns and recommendations for consideration at your hearing.

Sincerely,

Jim Houck, Chair

Cc: Robert M. Weygandt, Supervisor District 2
Board of Supervisors
Michael Johnson, Planning Director
Paul Thompson, Deputy Planning Director
✓ Crystal Jacobsen, Planning Department

County of Placer
RURAL LINCOLN MUNICIPAL ADVISORY COUNCIL
P. O. Box 716
Lincoln, CA 95648
County Contact: Administrative Aide (530) 889-4010



November 22, 2010

Placer County Planning Commission
Attn: Chair
3091 County Center Drive
Auburn, CA 95603

Re: Zoning Text Amendment – Temporary Outdoor Agricultural Events

Dear Members of the Placer County Planning Commission:

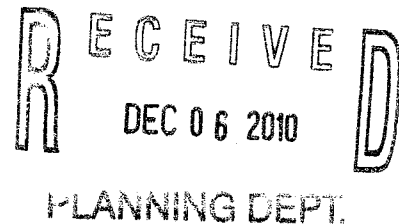
On November 15, 2010, the Rural Lincoln Municipal Advisory Council voted unanimously to approve the modified Zoning Text Amendment for Temporary Outdoor Agricultural Events with the addition of Item E, #1 "Written approval by the appropriate fire/emergency agency(ies) that provides service to the event site" to Condition of Approval #5, Subsequent Year Approval.

The Lincoln MAC appreciates your efforts in this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Fowler".

Mark Fowler, Chair



Cc: Supervisor Robert Weygandt
✓ Crystal Jacobsen, Placer Co. Planning Department



PUBLIC INTEREST COALITION



January 3, 2011

Attn: Crystal Jacobsen
Planning Department
Placer County
County Center Dr.
Auburn, CA

RE: ZTA-Temporary Agricultural Events Proposal

The importance of agriculture (ag) cannot be overstated as critical needs for food and farm viability become more apparent from security, sustainability, economic, and environmental perspectives. SACOG's "RUCS" (Rural-Urban Connection Strategy) supports efforts to protect and maximize our "rural assets." We are strong advocates for preserving as much ag and farm land as possible. However, we are just as strongly opposed to potentially dangerous, unjust, egregious zoning amendments when such changes negatively impact citizens living on private roads and are unnecessary due to existing permit processes.

The proposed Zoning Text Amendment (ZTA), which includes a modification to Section 17.56.300 (Temporary Outdoor Events) in order to provide **permit exemptions for specific types of temporary agricultural events**, is fraught with unacceptable impacts to neighbors, landowners, the environment, and, as *currently proposed*, creates potentially dangerous public health and safety issues that should not be approved.

Issues To Be Addressed:

Our primary concern focuses on the use of single-lane private roads for public events when those roads can be difficult and challenging for the public to navigate. Before the proposed ZTA is approved to **exempt ag events** from the permitting process, all stakeholders should be brought into the discussion and modifications should be considered to reduce hazards and impacts. To that end and to ameliorate problems, we urge consideration and adoption of the following conditions or stipulations to any ZTA proposal.

~Require that any farm event permit exemption being considered on parcels with private road access be limited only to private roadways wide enough to accommodate **two vehicles to pass** safely without leaving the roadway edges. No farm event permit exemptions should be granted on private roads that are single-lane, have steep grades (15% or greater) and/or have "blind" curves and/or hills (less than 100' sight line/visibility).¹

~Require that permit-exempt farm events be conducted on parcels with public road ingress and egress only.² Exceptions to a public-road-only access requirement may be granted if:

- (1) The carrying capacity of any "two-lane" private roadway is deemed adequate and safe before an exempt farm event permit is granted.
- (2) Neighbors residing on parcels with easements to use the private road unanimously agree to allow the exempt farm event to take place using that common private road.
- (3) Such unanimous approval stipulates a one-year trial period, and/or two-, or three-year renewal, revisit, or sunset clause(s). A substantiated complaint should result in an automatic revocation of the Temporary Agricultural Event Permit, and a prohibition from obtaining future exempt permits.

~Exclude wineries or winery operations from the proposed farm event permit exemption ZTA due to generous event allowances previously granted via approval of the Winery Ordinance

PUBLIC INTEREST COALITION P.O. Box 713 Loomis, CA 95650
Public-Interest@live.com 916-652-7005

29

in 2008.³ Reportedly, an original draft of this ZTA excluded wineries; that exclusion should be reinstated.

~Mandate that **only** produce grown on the specific Placer County parcel holding the event may be sold on that property (as currently allowed on connected/adjacent public road frontage). Language should **clearly define the nature of the exempt event** and its direct relationship to the "customary" agricultural operations of the farm or ranch. Produce grown off site, "arts and crafts," or other "trinkets" that can dominate an event, should not be allowed.

~Require that any farm event permit exemption be restricted to four (4) two-day events per year, on parcels greater than 5 acres, with a maximum of 50 attendees at any one time (including workers), and that only on-site parking be allowed (unless public street parking is available and legal).

~Consider either a trial basis or a regular "sunset" basis (possibly a two- or four-year review and renewal clause of the exempt permit(s) issued and the process itself). If there are problems, then individual revocation or revision should be an option.

Other Concerns:

A. The proposed ZTA has the potential to negatively impact Farmers Markets, which provide a central hub where produce is accessible to many along with parking and law enforcement. People without reliable transportation living in urban areas can more easily purchase locally grown products at such markets, hubs or cooperative locations. For individual citizens to each drive additional miles into rural areas to "shop" for farm and ranch products at permit-exempt farm events is wasteful and may create significant environmental impacts. Traffic issues and impacts, arising from citizens driving to and from various farms for a maximum of 12 days, in addition to other permitted events, must be more thoroughly examined.

B. Public-road access venues may be eligible for more relaxed permitting (exempt events), but only because of their public road access. For Placer County to amend zoning ordinances to open private roads to commercial activities with no county inspection required and little-or-no enforcement of the permits (let alone vehicle code violations) is unacceptable. If/When County exempt events occur on weekends, holidays, or other "county closed days," there will be no resources available to respond to non-compliance complaints.

C. The ZTA language opens the door to **abuse and unintended activities**.

1. The ZTA excludes rodeos, weddings, concerts and overnight stays, yet it includes tours, dinners, and festivals. Steer tailing is not a "recognized" rodeo event, but with this ZTA, a festival could include animal events that are not PRCA (Professional Rodeo Cowboys Association) sanctioned. Therefore, mutton bustin,' greased pig, goat milking and other animal competition events may be promoted because technically the claim could be made they are not sanctioned rodeo events.

2. There is no language in the ZTA to prevent anyone from harvesting any produce and holding 12 days of "ag" events (selling the zucchini, for example) and/or produce grown outside Placer County, along with other "incidental" products. Such events may be permitted now, but only after thorough vetting via the County's existing permit processes.

The ZTA mandates that the Temporary Ag Events permit "**shall** be approved" if it complies with a list of criteria with vagaries, such as, "*reasonable* proof of access rights" or a contract for portable toilets "*adequate* for the *proposed* number of participants" (an agreement only based on an estimate with no inspections or monitoring).⁴ The verb "**may**" would be more appropriate and allow County's professional staff some discretion.

D. The proposed ZTA is not necessary. Opportunities to sell locally grown produce already exist via other permitting options that protect both the public and neighboring land owners. In addition, there are ample local hubs where produce may be marketed (Farmers Markets, local retail outlets, CSA arrangements, etc.). Placer County also allows any locally grown produce to be sold along public roads adjacent to the property where produced.⁵ As a "fringe" county to a metropolitan area, efforts should be aimed at increasing revenues by tapping population centers rather than creating "delays in access or circulation" in rural neighborhoods.

E. It has been stated that a great deal of time and resources has been spent working out the details of the proposed ZTA. However, time spent drafting a proposal is not a valid justification for approving an unsound proposal. The very stakeholders who will be impacted by the ZTA proposal (neighbors or landowners on private roads) have not been informed and/or

have not been invited to participate meaningfully “at the table.” Many of the Municipal Advisory Councils were not given an opportunity to take action on the proposed ZTA. However, in one MAC meeting, two important conditions were approved and are incorporated above.

F. The ZTA is being proposed, ostensibly after an “analysis of the County’s General Plan (GP), to limit regulations, provide relief from the permitting process, and to further encourage ag businesses and operations in Placer County.” However, as much, if not more, **language throughout the GP supports public health and safety precautions.**⁶ Other viable options exist and should be explored.

The County claims that over the past two years some from the ag community believe that the current event-permitting process is burdensome. Valid or not, as a reaction to the claims, the proposed ZTA’s broad-brush approach will create problems that must be addressed and resolved **before** adoption. On the one hand the County is claiming the exemption is to provide relief and encourage ag operations. How does a dinner or a festival encourage ag operations? The Farm and Barn Tour is a wonderful event, but it occurs only one day every one or two years; it is assumed that some sales are generated at each venue. However, creating a potential of 12 days of such events or festivals to coincide with harvest windows and/or outdoor event weather conditions is unacceptable. Is the purpose of such a temp ag event sales of produce or merely a fundraising party on the property? The agricultural component may be totally lost without more definitive language as to the nature and purpose of the exempt temp ag events.

G. One recommendation from the Agriculture Commission is to allow non-conforming parcels (less than 4.6 acres) to be eligible for the exempt permit if it can be demonstrated that the operation is commercially viable. Since farms and ranches are allowed to operate in properly zoned areas without business permits, this recommendation is problematic. Does selling zucchini to friends and neighbors demonstrate a viable commercial operation? In what form, or how will the evidence be provided? Again, if non-conforming parcels have public road access or private road access that can accommodate two-way traffic safely, it may be a moot point.

H. The current temporary event process has worked for decades to protect public health and safety. When one looks at the amount of county resources utilized to process the permit, inspect, enforce, monitor, and respond to complaints, if anything the \$500 fee seems reasonable in defraying some of the County’s associated costs.

We urge Placer County to NOT approve this farm permit exempting ZTA as currently proposed. With appropriate modifications, a ZTA to exempt farm events might be adopted that would be agreeable to citizens living on private roads, benefit Placer County agriculture, and resolve issues before they become problems.

Thank you for considering our views,


Marilyn Jasper, Chair

Endnotes:

1 Many private roads are unable to accommodate public traffic safely. A lengthy list of one lane, pave/unpaved, pot-hole laden private drives with no “turn arounds” can be provided, but for starters, one only needs to try to navigate Dawn Drive, Leak Lane (rural Loomis) or Ironwood Lane (Lincoln) to understand the hazards drivers face on narrow private roads, little-or-no shoulders, blind curves, steep slopes, etc. Experiences on one private half-mile drive alone (9 parcels) include visitors becoming stuck after driving off the road and blocking access. These and other private drives were not established to accommodate two-way public traffic for commercial activities.

2 During Farm and Barn Tour events, the venues with driveways accessed directly off public roads posed no problems or neighborhood complaints that we know of (Golden Pond—off Sierra College Blvd; Horton Iris Farm—off Val Verde and/or King). Assuming parking is sufficient, ingress and egress off public roads should accommodate visitors and workers and should pose no safety issues.

3 As proposed, the ZTA exacerbates many of the very same contentious issues created by the Winery Ordinance (which granted wineries six two-day events on private roads). With the passage of this proposed ZTA, wineries, if included, would have six additional two-day events, for a total of 24 days.

Those 24, coupled with a "Temporary Outdoor Event" permit, adds the potential for two more two-day events per year. This means any winery could have a total of 28 days per year of events on private roads.

4 If approved as written, a more accurate title for this exempt permit title would be "**Permanent** Agricultural Event Permit."

5 This is one unique activity that requires no fees and no permits, that the ag community has been granted. Part of its consequence has been to keep public traffic off the private drives and roadways.

6 From Section 7, Agricultural and Forestry Resources (page 122), the policies that support agriculture clearly are not intended to turn ag zoning into commercial zones. It is notable that Policy 7.C.3., specifically mentions "Farmers' Markets" in terms of economic development.

Attn: Crystal Jacobsen
Planning Department
Placer County
County Center Dr.
Auburn, CA

January 3, 2011

Re- Temporary Agricultural Event Text Amendment

Currently, Placer County Officials are soliciting MAC groups to support a ZTA to grant "Temporary Agricultural Events" to agriculture interests in Placer County. A few of the reasons for not creating a ZTA with Temporary Agricultural Events are as follows:

- 1) The Planning Department made this ZTA an "action item" at a select few MAC's thus skewing public input to Placer decision makers and interfering with the acceptable norm of open citizen input.
- 2) Wineries already have access to Temporary Event Permits in addition to having been granted "promotional events" and "temporary outdoor events" after a very contentious public process. Allowing wineries (esp those on private roads) additional temporary agricultural events is compounding benefits to a specific entity that already poses a threat to residents as they can operate as Commercial Wine BARS (with the passage of AB2004) which allows these wine bars to sell bottles of 100% IMPORTED wine for consumption on the premises. If Placer County Wineries want additional events, they should be applied for under the existing Temporary Events Section 17.56.300 which in theory provides some level of security and drug/alcohol abuse protection to local residents unlike the ZTA being proposed.
- 3) The Attorney Generals' office is looking very closely at proposals that violate the General Plan and do not address traffic and environmental impacts. Allowing 100 participants at a time at these events will warrant a traffic study as well as violate the rights of private citizens who are experiencing a "taking" of those rights by wineries that are promoting commercial use of those private roads.
- 4) Allowing wineries temporary agricultural events only harms local agriculture and damages the Placer Grown image at these events as there is nothing to prevent the sale of wine that was produced and bottled elsewhere with 100% IMPORTED grapes.

Neighborhood Rescue Group

February 8, 2011

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

**Subject: Zoning Text Amendment (ZTA) – Temporary Agricultural Event
- PTZA 20100024**

Dear Supervisors,

Our concern is simple: don't infringe on the rights of private road homeowners for the financial benefit of another homeowner sharing the same private road system. The danger of event traffic to children and pets is obvious. The potential liability for homeowners is unacceptable. The loss of property rights can only lead to litigation, with Placer County being a clear defendant.

Please amend the temporary agricultural event ZTA to consider the rights of property owners on private roads. Some ideas to accomplish this could be:

- Exempting private roads from the changes to the ZTA; or
- Requiring 100% approval of the event by the property owners along the private road between the public street and the event; and
- Requiring the event holder to have liability coverage for the event along the entire stretch of private road being used to reach the event location.

You have a responsibility to protect private road homeowners.

Sincerely,

Bob and Lynn Lombard
790 Ridgecrest Drive
Colfax, CA 95713

530-637-9000

RECEIVED
BOARD OF SUPERVISORS
5 BOS Rec'd ☒ COB ☒ CoCo
TSI _____ CEO _____ Other _____

FEB 10 2011

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CLERK OF THE
BOARD OF SUPERVISORS

Sup D1 _____ Sup D4 _____ Aide D1 _____ Aide D4 _____
Sup D2 _____ Sup D5 _____ Aide D2 _____ Aide D5 _____
Sup D3 _____ Aide D3 ☒ ☒

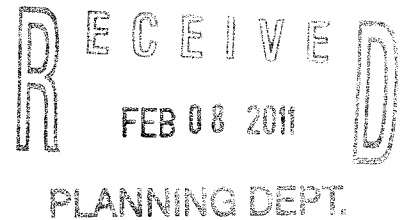
The proposed ZTA for Temporary Agriculture Events allowing 100 individuals at a time is a "taking" of private property rights by a Local Government and an overburdening of private easements.

Mike Giles

Neighborhood Rescue Group

February 1, 2011

Ms. Crystal Jacobsen
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 280
Auburn, CA 95603



**Subject: Zoning Text Amendment (ZTA) – Temporary Agricultural Event
- PTZA 20100024**

Dear Ms. Jacobsen,

I am a homeowner on a private road in Placer County and I have great concerns with the proposed zoning text amendment for temporary agricultural events. As I'm sure you know, private roads are a complicated issue. A lot of work, time and money go into trying to keep the roads in good shape while dealing with 35+ different property owners who all have different opinions and concerns. One thing we do all agree on is that it is our road system. We paid for its construction, we maintain it and we all carry insurance to protect our homeowners associations (we have 2!) and ourselves individually. Placer County did not pay for our roads nor does it pay to maintain or insure them.

The road system in our neighborhood is a series of easements, for the common good, on each of our parcels. Each homeowner actually owns the land under the roadway in front of their parcel. Unfortunately, this arrangement has opened every property owner up to personal liability for their section of the road. We have had several conversations with our attorney to try and rectify this situation. However, there appears to be no easy solution. If someone has an accident on the road in front of my parcel, they can file a lawsuit against my homeowner's association and me personally. Regardless of a suit's outcome, it would cost me time, money and a lot of grief regardless of a lawsuit's legitimacy.

One lot of particular concern is located at the very end of one road and would be subject to the ZTA. The only way to get to this property is through the private property of 12 different property owners. Our roads are very steep with lots of curves. They would not meet public road requirements. The egress alone to enter our private road system is questionable at best. The issue of safety and subsequent liability is very real.

This ZTA is about property rights and liability protection. I own a portion of my private road system. I have liability and maintenance responsibilities for that section. An easement for my neighbors' current use runs along that roadway. But this ZTA wants to expand upon that current arrangement and allow new and increased traffic on my property without my permission. That is simply unfair.

I understand that the idea behind the ZTA is to support Placer County's struggling agriculture community. However, **somebody else's success should not marginalize my rights as a property owner.** Please amend the temporary agricultural event ZTA to

consider the rights of property owners on private roads. Some ideas to accomplish this could be:

- Exempting private roads from the changes to the ZTA; or
- Requiring 100% approval of the event by the property owners along the private road between the public street and the event; and
- Requiring the event holder to have liability coverage for the event along the entire stretch of private road being used to reach the event location.

I appreciate you allowing me to voice my concerns. I hope that you will protect the rights of property owners in Placer County.

I look forward to hearing your opinion on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory E. Schafer". The signature is fluid and cursive, with the first name "Gregory" being more prominent than the last name "Schafer".

Gregory E. Schafer
715 Coyote Hill Road
Colfax, CA 95713
(530) 637-9138

Crystal Jacobsen

From: Rosemary Frieborn [rfrieborn@earthlink.net]
Sent: Wednesday, November 24, 2010 10:49 AM
To: Crystal Jacobsen
Cc: Michael Winters; Mark Starr
Subject: Temporary Use ZTA

Hi Crystal,

I finally had an opportunity to review the proposed ZTA for Temporary agricultural events. I'd like to ask your consideration in amending the following areas if possible.

1. In the amended definition where it addresses the exclusions to Temporary Agricultural Events, could it say "events where animals will perform or any competition with animals, between two or more persons"?

That would include events like pig races, circuses, rodeos, etc.

2. In section 17.56.300 B.1a Commercial Recreational Events. Could that section be amended to include "rodeos" and again recite "events where animals will perform or any competition with animals, between two or more persons"?

This text amendment would coincide with the definition portion.

Please let me know what you think about these suggestions. Have a nice holiday.

Rosemary Frieborn, RVT, Humane Officer
Winner 2009 Volunteer of the Year – Supporting Animals Award

November 20, 2010

Placer County Planning Commission
3091 County Center Drive
Auburn, California 95603

RE: Zoning Text Amendment

Dear Planning Commissioners:

We have no problem with the proposed Zoning Text amendment, with the exception on how it pertains to wineries.

We have a winery located 980 feet from our home, this past summer they had amplified music outside every Saturday and Sunday from 2:00 pm to 5:00 pm. We filed a complaint in May with the Planning Department /Code Enforcement regarding the music/noise produced by the winery, it's not only disturbing to us but the neighbors as well.

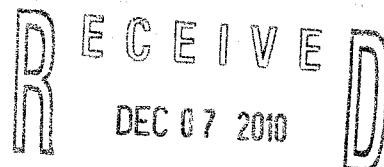
The proposed text in item #4 is very concerning to us, the Planning Department is recommending an amendment which would allow **6 Temporary Agricultural events**, in addition to the **6 Promotional Events (which needs further definition)**. That's 12 events per year – plus each event can be 2 consecutive days. The winery has become a Social Hall with Weddings, retirements parties etc.

In item #5, Subsequent Year Approval modification – this should only be allowed if **no complaints filed against that winery**. We would propose that the County still require permit fees, but return a percentage back to the winery if no complaints have been filed on that particular event.

We feel the Agriculture Ordinance in regards to a winery operation is to new to be modified at this time.

We understand that the County wants to encourage Agricultural business in Placer County; we also understand that it will benefit the wineries more than any other agriculture business.

Richard and Lorrie Lewis
6245 Wise Road
Newcastle, CA 95658
530/885-3410



PLANNING DEPT.

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CLERK OF THE
BOARD OF SUPERVISORS

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5 BOS Rec'd ☒ COB ☒ CoCo
TSI ☒ CEO ☒ Other

FEB 02 2011

January 31, 2011

Ms. Jennifer Montgomery
Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Sup D1 ☒ Sup D4 ☒ Aide D1 ☒ Aide D4 ☒
Sup D2 ☒ Sup D5 ☒ Aide D2 ☒ Aide D5 ☒
Sup D3 ☒ Aide D3 ☒

Re: Zoning Text Amendment (ZTA) – Temporary Agricultural Event - PTZA 20100024

Dear Supervisor Montgomery,

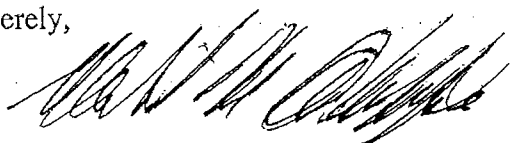

As you may remember, we are homeowners on a private road. We are concerned with the proposed zoning text amendment for temporary agricultural events. We have no homeowners association or any other organized road maintenance agreement. Repairs and maintenance on our road are thus difficult to organize. Some of our road cuts through the middle of some properties. Others, such as ourselves, have no actual frontage on the road and in our case, access our property via a half mile long shared driveway. When we bought here, I had no idea that we could potentially all have liability should someone have an accident on our road.

Currently, as far as we know, nobody on our road is likely to have a barn tour or any other temporary agricultural event. But that could change. Many of us have ten acres. There is enough property to become agricultural. If in the future that becomes the case, and this ZTA goes through now, it would be too late to do anything about it. This ZTA is about property rights and liability protection. We have shared maintenance responsibilities for our road along with forty some neighbors. Apparently we also share liability. An easement for all the neighbors' current use runs along that roadway. But this ZTA wants to expand upon that current arrangement and allow new and increased traffic on all private roads, potentially including our one lane narrow winding road, now or in the future, without our permission. No additional financial help with maintenance would be included. We already pay the lion's share of the maintenance on our road because many of our neighbors cannot afford to pay. This ZTA could potentially cost us thousands of dollars in additional maintenance. Does this seem fair or just?

We understand that the ZTA is a way to support Placer County's struggling agriculture community. That is a worthwhile goal. However, just as the Winery ordinance stripped out all of the protections for private road owners before its passing, somebody else's agricultural financial success should not penalize us because we live on a private road. Please amend the temporary agricultural event ZTA to consider the rights of property owners on private roads. Exempt private roads from the changes to the ZTA. Or if that is too restrictive, at least require the event holder to have liability coverage for the event along the entire stretch of private road being used to reach the event location.

We lost rights over the wineries; please protect the rights of property owners on private roads in Placer County and push for modification of the ZTA. Thank you once again for your help.

Sincerely,

Robert M. and Ruth Dalrymple, 1160 Swanson Lane, Weimar, CA 95736 (530-637-1045)

From: Frank Peacock
To: Placer County Environmental Coordination Services;
Subject: Public Comment Temp Outdoor Ag Events-PTZA 20100024
Date: Friday, January 28, 2011 3:43:03 PM

Please do not intrude into Private Property. I have lived on a private narrow road that services 13 homes and I am 1/2 mile from the Public road. I have never seen a problem in the 20 years we have lived here. The neighbors take care of the road. Government intrusion into Private Property is not needed or desired.

Frank & Betty Peacock
dad920@softcom.net
10395 Blue Light Lane
Auburn, CA 95603

January 30, 2011

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JAN 31 2011

Ms. Crystal Jacobsen
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 280
Auburn, CA 95603

**Subject: Zoning Text Amendment (ZTA) – Temporary Agricultural Event
- PTZA 20100024**

Dear Ms. Jacobsen,

As a homeowner on a private road, I have great concerns with the proposed zoning text amendment for temporary agricultural events. Private roads are a complicated issue. I did not fully understand the implications of living on a private road system when I purchased my property. If I had it to do over again, knowing what I know now, I probably would have chosen a parcel not within a shared, private road network. I have been on the road association board for 10 years. It is a lot of work trying to keep the roads in good shape while dealing with 37 different property owners that seldom agree. Some of us put a lot of time, effort, and pride into our neighborhood. After all, it is ours – even the road system.

The road system in our neighborhood is a series of easements, for the common good, on each of our parcels. Each homeowner actually owns the land under the roadway in front of their parcel. I guess that it was a quick and easy way to create the subdivision. Unfortunately, this arrangement has opened every property owner up to personal liability for their section of the road. We have had several conversations with our attorney to try and rectify this situation. However, there is no solution. If someone has an accident on the road in front of my parcel, they can file a lawsuit against me personally. Now for them to win would require that I have been negligent in the maintenance of the road on my property. However, in California you do not seem to need a good reason to file a lawsuit against someone. It will cost me time and/or money regardless of the lawsuit's legitimacy.

That brings me to my point. This ZTA is about property rights and liability protection. I own a portion of my private road system. I have liability and maintenance responsibilities for that section. An easement for my neighbors' current use runs along that roadway. But this ZTA wants to expand upon that current arrangement and allow new and increased traffic on my property without my permission. Does this seem fair or just?

I understand the idea behind the ZTA. It is to support Placer County's struggling agriculture community. I believe in that goal. However, somebody else's success should not marginalize my rights as a property owner. Please amend the temporary agricultural event ZTA to consider the rights of property owners on private roads. Some ideas to accomplish this could be:

- Exempting private roads from the changes to the ZTA; or

42

- Requiring 100% approval of the event by the property owners along the private road between the public street and the event; and
- Requiring the event holder to have liability coverage for the event along the entire stretch of private road being used to reach the event location.

I appreciate you taking the time to read my letter and allowing me to voice my concerns. I hope that I have made my point well and that you will protect the rights of property owners in Placer County.

I look forward to hearing your opinion on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Shykowski', with a stylized flourish at the end.

Jason Shykowski
8101 Bridle Path Road,
Colfax, CA 95713
(530) 637-1983